692 nuisances under the Indian Penal Code (sections 277, 283, 290 and 510) and
671 the Madras Towns Nuisances Act, and generally any other offence under the Indian Penal Code or any special or local law which is punishable with fine only or with imprisonment for a term not exceeding six months or with both.

(681) The sentence which a panchayat court may pass is [a] fine not exceeding
(685) Rs. 15, except in cases of theft or mischief where the fine may extend to twice the value of the property stolen or the amount of damage caused. (Madras 1958: 50)

Since such a multiplicity of courts, officials, regulations and legal sys-
121 tems now faces a Badaga, how does he select where to go with a legal complaint? There are a number of factors that guide his handling of the problem.

692 The prime consideration is apparently not the seriousness of the complaint but the good repute of a man's own village. I know of several cases of murder and suicide which were handled entirely by the traditional Badaga council in the village where the acts were committed. This procedure contravenes Indian law, since any such criminal offences should automatically be reported to the police and if necessary be examined in a magistrate's court. (It is supposedly the
(632) headman's duty to decide whether a case should be placed before a magistrate.)
692 Badagas, on the other hand, whether siding with the victim, the malefactor, or
829 neither, prefer that all such matters be cleared up by the headman and his council without the village name being marred through a police investigation and loose gossip. For the same reason they also try to stop the case going on to the next higher level of council in their own traditional system.

691 Despite this state of affairs, it is very common for a case which has al-
692 ready been judged by the village council to be taken to a court of law by whichever side has lost; hence we characterize the present procedure as "ambi-legal". The practice has arisen because it is widely known that the decisions of a traditional village council are not legally binding and are often not very impartial either. On

691 692 the other hand there are two factors which militate against the loser going to a magistrate with his case: one is the cost of a solicitor and of bribing various petty officials; the other is the common knowledge that the previous decision of the village council can be brought forward as evidence in court, whereupon in something like "98% of cases" (in the estimate of one experienced informant) the magistrate will simply hand down exactly the same decision as the village council's.

An alternative route for appeal against a decision is the hierarchy of traditional councils. Although this is normally less expensive, it is being followed less often now than before the Second World War. As disenchanted litigants use the magistrate's court more and more frequently, the power of enforcing its decisions that rested with the traditional hierarchy of councils is proportionately sapped.

Badaga litigants, we have suggested, find themselves in what can be called an "ambi-legal" situation. A case taken from my field-notes may help illustrate how the individual may nowadays manage to manipulate the two judicial systems so as to disadvantage an opponent. (This case remains unsettled; all names are fictitious.)

159 •685 691 (592) (423) "Two brothers, Kallan and Jogi, lived together with their wives and children as a joint family and, as was the custom, also held their land in joint ownership, but each farmed as much of it as he wanted to. In 1948 Kallan, the elder brother, died leaving his two young children and wife in the care of Jogi. One of these children was a daughter, who would leave the family at marriage and would not be entitled, under Badaga law, to any inheritance from her dead father. But Ranga, the dead man's son, would in time become a man and would then demand a half of the entire joint family's estate. Jogi knew this very well, for he could

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easily see how all of the joint families are now in process of breaking up into nuclear families; and he also recognized that he, with a family of two sons and two daughters, would be making a much greater drain on the family resources than would Ranga and his widowed mother. Jogi therefore decided soon after Kallan's death that the time was ripe for him to secure legal title -- under the official legal system of India -- to much more of the family land than the half of it which he could justly claim when young Ranga demanded its division, as he undoubtedly would in due course. Already arguments had arisen between Jogi and the widow over who should cultivate each part of the land.

"To achieve his end, Jogi decided that he would need to get a legal agreement registered for transfer of land to himself without either the boy or his mother knowing about it; and he also decided that he could expect no support from the council in his village, since they would automatically take the just side of his victim, and Jogi himself was not wealthy or powerful enough to bribe them into doing otherwise.

"Jogi therefore mustered up three people to act as witnesses. One of them was an illiterate woman, and both she and one of the men were members of a different phratry than Jogi's. All three of these witnesses were quite unrelated to Jogi's family, and all received handsome bribes from him for their services and secrecy. The four of them went to the land registrar's office in Ootacamund, far from their village, and there an agreement was officially registered. The woman witness claimed that she was Kallan's widow, and that Jogi had loaned her some money against the security of about 75% of the land she had title to since her husband's death. The government official registered this agreement without investigating whether the woman really held any title or whether indeed she was actually

159 Kallan's widow at all; and the agreement stated that if the sum of money supposedly
685 lent her was not repaid within ten years, the land would automatically become
691 Jogi's property. As the woman who pretended to be Kallan's widow could not write, she set her thumb-print to the document.

"Jogi continued to let Kallan's real widow use the land she needed, without ever letting her suspect that any such document existed. He of course hoped that she she would die before the ten years expired; and after eight years she did in fact pass away, presumably (though not certainly) by natural causes. By this time her son Ranga had attained his legal majority, and soon found himself faced with the perennial problem of the Badaga farmer, shortage of money. He went to the local Cooperative Society and obtained a loan of Rs. 2000 against a pledge of two acres of what he assumed was his land. The Cooperative Society enquired if the land were "encumbered", i.e. already pledged, but nobody suspected that in fact it was and so the loan was granted.

"That year Ranga's potato crop was ruined by disease, and so he was unable to repay the loan within the stipulated time. The Cooperative Society thereupon made preparations to seize the two acres which Ranga had pledged; but Jogi decided it was time for him to step in, as the land was part of that included in
(692) his spurious agreement. To make the most of the situation, Jogi announced that he would sue the Society in court for trying to seize land that legally belonged to him and not to Ranga at all. This was the first time that the transfer-agreement, registered some twelve years before, was heard about by Ranga and the village.

"In bringing the existence of that document into the open, and in telling Ranga that his own mother had made the arrangement while Ranga was a small boy, Jogi had failed to take note of one important fact: one of the men whom he

159 had paid to act as a false witness at the registration of the document was now
685 President of the Cooperative Society! This man, Madia, now did what seemed
691 best for his Cooperative Society, and -- without mentioning his own role in the matter -- he tipped off Ranga about the falsity of Jogi's agreement. Madia advised
159 the young man to take the case to the magistrate's court and charge Jogi with false
685 representation. This would not be a difficult thing to do, as the woman who had
691 posed as Ranga's mother was still living, and it would therefore be possible to
692 check her thumb-print with that on the document. Such a sophisticated method of proving the falsity of the document would be beyond the capabilities of the village council, and would probably win little support for Ranga's case there. (Presumably the President of the Cooperative Society had his own reasons for not wanting the matter discussed in his own village either!) But unfortunately Ranga had no money available at that time to initiate a hearing in the magistrate's court, and so there was nothing he could do. He did not take the matter to his own village council either, because he knew that today the council has little power to enforce its decisions; and the likelihood that Jogi would be able to bribe members of the council was too high to make this course of action palatable to Ranga.

"Whether bribes have in fact been given or not, though, the village coun-
159 cil has now discussed the case and is advising Ranga to repay the money his mother
695 supposedly borrowed from Jogi. They are thus trying to make a compromise of the situation, offering Jogi a financial inducement -- the money which he had never really lent -- and offering Ranga tenure of the two acres he has pledged and cancellation of Jogi's spurious agreement. Jogi for his part is apparently willing to accept this, for he is now urging Ranga to repay the amount of the supposed loan, and not under any circumstances to take the case to the magistrate's court. But it